

REMARKS

In reply to the Restriction Requirement that was mailed in connection with the above-captioned patent application on January 11, 2006, Applicants elect the invention of Group I, claims 1-3 and 8-14, with traverse. In the Restriction Requirement, the Examiner states “the claims are improperly joined as claims 8-12 are directed to distinct methods and claim 15 is directed to methods which utilize distinct molecules of genes and proteins for therapeutic purposes.” Applicants respectfully disagree.

First, Applicants submit that claims 8-12 are in proper format. Claim 8 specifies that the method of claim 1, 4, or 5 includes a step involving contact of a sample with a specific binding agent for the ER22/23EK polymorphism. Claims 9-12, in turn, each specify particular types of binding agents that can be used in the method of claim 8, in proper dependent form. These claims are not in improper Markush form, as they do not include alternative limitations within a single claim, in an unacceptable manner. Rather, they reference a general class of agents (specific binding agents; claim 8), two subclasses of such agents (nucleotide binding agents and polypeptide binding agents, claims 9 and 11, respectively), and an example within each subclass (oligonucleotide probes or primers, and antibodies, claims 10 and 12, respectively).

As to claim 15, Applicants note that this claim specifies a method including a step involving detection of the presence or absence of the ER22/23EL polymorphism and a step of administering either an allele of the glucocorticoid receptor or a glucocorticoid receptor. Although not in the elected group, Applicants submit that the form of this claim is correct as well, specifying the administration of one of two enumerated options.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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